IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.43036-M of 2006

DATE OF DECISION:21.11.2006

Surinder Singh & Ors. .....Petitioners

Versus

State of Punjab & Anr. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Vikram Batra, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

Shri M.S. Balianwali, Advocate
for the complainant.

****

The petitioners apprehending their arrest in a non-bailable offence in case FIR No. 195 dated 21.5.2006 under Sections 324/323/506/148/149/427 and 304 IPC, registered at Police Station Dera Bassi, have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that the alleged occurrence took place on 21.5.2006. The aforesaid FIR was registered on the statement of one Sardara Singh, injured against Gurcharan Singh, Pawan Kumar, Ram, Shinder, Dharampal, Sham Lal, Sanju and Saroj Bala. In the said occurrence, four persons were injured, three from the complainant side and one from accused side. Counsel further contends that after more than 20 days of the alleged occurrence, Gurcharan Singh died due to heart attack on 15.6.2006. Subsequently, an offence under

Section 304 IPC was added on 29.6.2006 on the ground that Gurcharan Singh died because of the injuries of brickbat which he had received on his heart. Counsel for the petitioners while referring to the opinion given by the Doctor contends that the death of Gurcharan Singh took place due to heart attack.

In these circumstances, counsel for the petitioners argued that the petitioners are entitled for anticipatory bail. He further states that in terms of the order dated 18.8.2006, the petitioners have joined the investigation.

The above facts and factum of joining the investigation has not been disputed by the counsel for the respondent-State.

In view of the above, without expressing anything on the merits of the case, the interim bail, granted vide order dated 18.8.2006 is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioners shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

November 21, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**